

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY RICO TURNER,

Plaintiff,

v.

VALLEJO CITY MAYOR, et al.,

Defendants.

No. 2:23-cv-2894 KJM DB P

ORDER

Plaintiff, who is detained at the Metropolitan State Hospital and is proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983. In an order filed December 21, 2023, plaintiff was ordered to either file a motion to proceed in forma pauperis or pay the required filing fee of \$405 if he wishes to proceed with this case. The order included a copy of the form for a motion to proceed in forma pauperis. On January 17, the order was returned to the court as undeliverable because plaintiff was no longer in custody at the address he provided in his complaint.

In documents filed here on January 8 and January 12, plaintiff asks that he be permitted to proceed without the payment of fees. Those documents show that plaintiff is now detained at the Metropolitan State Hospital. The Clerk of the Court will be directed to amend the docket to reflect plaintiff's new address. However, plaintiff is warned that it is his responsibility to provide the court with any updates to his address. Anytime plaintiff moves, he should file a notice of change of address.

Because plaintiff did not receive a copy of the court's December 21, 2023 order, it is repeated here. Plaintiff did not file a motion to proceed in forma pauperis or pay the filing fee when he filed this case. If he wishes to proceed with this case, plaintiff must either file a motion to proceed in forma pauperis or pay the required filing fee of \$350.00 plus the \$55.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate motion and affidavit in support of a request to proceed in forma pauperis or to submit the required fees totaling \$405.00.

Plaintiff is cautioned that the in forma pauperis application form includes a section that must be completed by an official at the place of his detention, and the form must be accompanied by a certified copy of plaintiff's trust account statement for the six-month period immediately preceding the filing of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or the required fees in the amount of \$405.00; plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed; and

2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner and to change plaintiff's address on the docket to: Anthony R. Turner, #273852-4, Metropolitan State Hospital, 11401 Bloomfield Ave, Norwalk, CA 90650.

Dated: January 19, 2024



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9/DB prisoner inbox/civil rights/R/turn2894.3a(2)

¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not required to pay the \$55.00 administrative fee.